



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 23

DAVID W CLOUGH PHD
KATTEN MUCHIN ZAVIS
525 WEST MONROE
SUITE 1600
CHICAGO IL 60661-3693

COPY MAILED

NOV 07 2002

OFFICE OF PETITIONS

In re Application of
McCafferty, et al.
Application No. 09/417,478
Filed: October 13, 1999
Attorney Docket No. 213839-00010

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed July 22, 2002 (Certificate of Mailing dated July 15, 2002), to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely file a reply to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures, mailed July 30, 2001, which set a shortened statutory period for reply of one (1) month. Applicant purchased a two month extension of time and filed a petition under 37 CFR 1.181 and 1.183 on October 5, 2001, requesting withdrawal of the requirements of a Sequence Listing. This petition was denied in a decision mailed on December 6, 2001. No Sequence Listing with an extension of time having been received, the above-identified application became abandoned on October 31, 2001. A Notice of Abandonment was mailed on July 2, 2002.

Petitioner has met the requirements to revive the above-identified application, pursuant to 37 CFR 1.137(b). Petitioner submitted the required reply in the form of a sequence listing, paid the petition fee, and made the proper statement of unintentional delay.

The application file is being forwarded to Technology Center 1600 for consideration of petitioner's sequence listing, filed July 22, 2002.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0272.

Cliff Congo

Cliff Congo
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy